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The chapter on Imperialism is also replete with striking data as to the scope of public authority. The author shows that in both domestic and foreign affairs there has been a strong tendency since 1860 towards the exercise of Imperial powers and that this tendency is still on the increase. The succeeding chapter on Expansion is virtually a continuation of the argument of the preceding chapter. He contrasts the facts of record showing steady acquisition of territory with the customary pretences that the American people are free from territorial ambitions and are of a peace-loving disposition. The truth is that since the battle of Waterloo the United States has spent more years in war than Prussia by two to one. Professor Moore makes a timely remark when he says it is an error to suppose that the maintenance of large standing armies incites a militant spirit. On the contrary the system works powerfully against aggression.

These comments touch only upon some points of this compact but valuable treatise, the usefulness of which is increased by a full index.

Henry Jones Ford.

GUIDE TO THE LAW AND LEGAL LITERATURE OF GERMANY. By EDWIN M. BORCHARD, Law Librarian (Library of Congress). Washington: GOVERNMENT PRINTING OFFICE. 1912. pp. 226.

TENTATIVE HEADINGS AND CROSS-REFERENCES FOR A SUBJECT CATALOGUE OF AMERICAN AND ENGLISH LAW. Prepared under the direction of EDWIN M. BORCHARD, Law Librarian (Library of Congress), by ROSCOE H. HUPPER. Washington: GOVERNMENT PRINTING OFFICE. 1911. pp. 150.

To every lawyer who may have occasion, for any purpose, to ascertain the existing rules of German law, public or private, on any subject; to every student who wishes to investigate any part of the German law, or to inquire into its history, or to familiarize himself with German ideas regarding the fundamental principles of law, the classification of legal relations, or the problems of legal education—to all such persons Mr. Borchard has rendered a great service. He has made it possible for them to ascertain, with a minimum expenditure of time and effort, where they can most readily obtain the information they desire. He gives his readers not mere lists of books, but a series of brief notes on the scope, the character and the special value of the best books. He gives them also a useful glossary of German legal terms; and his book is carefully indexed.

For the task he has undertaken the author has unusual qualifications. While a student at Columbia, he not only pursued the regular law course but devoted special attention to the study of Roman and modern civil law. As law librarian in the Library of Congress, he has been charged, for several years, with the development of a working library of foreign law. In building up this library he has not relied on catalogues, but has traveled, as his notes show, through the books themselves. What is more important, he has traveled through European ministries of justice, professors' studies and the offices of practicing lawyers, in order to learn from the best authorities what are regarded as the best books. Of these investigations the present *Guide* is a by-product. Given the ability and the capacity of sustained labor which the author possesses, such a method was sure to produce good results. The results are, in fact, so good that those who use this *Guide* will be moved to inquire when the author will give us similar guides

to the law and legal literature of other civil-law countries. They will also be moved to ask when he or someone else will do the same sort of work for English-speaking countries.

The ground that Mr. Borchard has covered is so extensive, and he has covered it on the whole so well, that it seems invidious to criticize any details. His estimate of single works, though usually just, errs often on the side of kindness; and in some instances, in the reviewer's judgment, he has stretched his mantle of charity over sinners. In the parts of the book which the reviewer has read most carefully he has found few questionable statements; but he is unable to agree with the author's assertion, on page 153, that "the Romans made no great distinction between civil and criminal law"; and in his opinion the statement, on page 15, that "the decisions of courts in Germany are not binding precedents, even on inferior courts," needs qualification. The statement, as Dernburg long ago pointed out, is not quite true even as regards single decisions; and it is not true at all, according to the more modern and better German opinion, as regards the steady current of decisions, the *Gerichtsgebrauch*.

The scheme for a *Subject Catalogue of American and English Law*, which Mr. Hupper has prepared under Mr. Borchard's direction, will be of value to all law librarians and consequently of advantage to all who use law libraries. A foreign jurist, noting the purely alphabetical arrangement of legal topics, would turn at once to Mr. Borchard's "Prefatory Note," in order to ascertain why a method so archaic and so unscientific was still employed, and he would remain unenlightened. The explanation, of course, is that there is no logical system of arrangement that commands general recognition. This fact, of course, justifies Mr. Hupper's adherence to the alphabetical plan. Equally of course, it is unnecessary to explain to English and American lawyers why this arrangement is employed. Most of them are not aware that any other arrangement is conceivable.

Munroe Smith.

BOOKS RECEIVED.

A SHORT HISTORY OF ENGLISH LAW. By EDWARD JENKS. Boston: LITTLE, BROWN & Co. 1912. pp. xxxviii, 390.

INHERITANCE TAXES. By ARTHUR W. BLAKEMORE and HUGH BANCROFT. Boston: THE BOSTON BOOK CO. 1912. pp. iv, 1336.

THE DEMOCRAT MISTAKE. By ARTHUR GEORGE SEDGEWICK. New York: CHAS. SCRIBNER'S SONS. 1912. pp. 217.

WAR AND THE PRIVATE CITIZEN. By A. PEARCE HIGGINS. London: P. S. KING & SON. 1912. pp. xvi, 200.

ENACTMENTS IN PARLIAMENT. By L. L. SHADWELL. Oxford: THE CLARENDON PRESS. 1912. In four volumes. pp. xxxix, 1571.

A GENERAL SURVEY OF EVENTS, SOURCES, PERSONS, AND MOVEMENTS IN CONTINENTAL LEGAL HISTORY (Vol. 1, Continental Legal History Series). By VARIOUS EUROPEAN AUTHORS. With an editorial preface by JOHN H. WIGMORE, and introductions by OLIVER W. HOLMES and EDWARD JENKS. Boston: LITTLE, BROWN & Co. 1912. pp. liii, 754.

A HISTORY OF FRENCH PRIVATE LAW (Vol. III, Continental Legal History Series). By JEAN BRISSAUD. Translated from the French by Rapelje Howell. Boston: LITTLE, BROWN & Co. 1912. pp. xlviii, 922.

SEDGWICK ON DAMAGES. Ninth Edition. Revised, Rearranged and Enlarged by ARTHUR G. SEDGEWICK and JOSEPH H. BEALE. New York: BAKER, VOORHIS & Co. 1912. In four volumes. pp. xxxii, 3400.